

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM E COSDEN,

Petitioner,

v.

JEFF UTTECHT,

Respondent.

CASE NO. C14-5739 BHS-JRC

ORDER GRANTING
RESPONDENT'S MOTION FOR A
MORE DEFINITE STATEMENT

The District Court referred this petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. The referral is made pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

Currently before the Court is respondent's motion asking the Court to order petitioner to submit a more definite statement (Dkt. 21). Respondent argues that it is unclear if petitioner is challenging his 1976 rape conviction, which he is currently serving, a future sentence on a

1 murder conviction, or the Indeterminate Sentence Review Board's decision not to parole him
2 from his rape sentence to his murder sentence (Dkt. 21).

3 Petitioner's habeas petition refers the Court to a "Memorandum of Authorities." Dkt. 11.
4 Instead of providing a memorandum of authorities specific to this petition, petitioner attaches
5 briefs from personal restraint petitions filed in state court (Dkt. 11-1 to 11-3). Petitioner has not
6 made it clear what conviction or Indeterminate Sentence Review Board decision he is
7 challenging.

8 The rules adopted by the Supreme Court governing petitions filed pursuant to 28 U.S.C. §
9 2254 requires a petitioner to specify all the grounds for relief available to petitioner, state the
10 facts supporting each ground, and state the relief requested. Rule 2(c) states:

- 11 (c) Form. The petition must:
12 (1) specify all the grounds for relief available to the petitioner;
13 (2) state the facts supporting each ground;
14 (3) state the relief requested;
15 (4) be printed, typewritten, or legibly handwritten; and
16 (5) be signed under penalty of perjury by the petitioner or by a person authorized
17 to sign it for the petitioner under 28 U.S.C. § 2242.

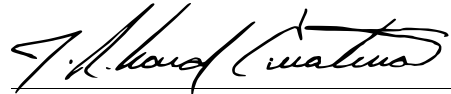
18 *See*, Rules Governing § 2254 Cases, Rule 2(c), 28 U.S.C.A. foll. § 2254. Petitioner simply
19 referencing briefs filed in state court is confusing and does not suffice in this case. The Court
20 notes that petitioner titled his petition as a petition filed pursuant to 28 U.S. C. § 2241. However,
21 if petitioner is seeking to challenge the validity of either of his state convictions or sentences the
22 petition is properly filed pursuant to 28 U.S.C. §2254.

23 The Court grants respondent's motion for a more definite statement and orders petitioner
24 to submit a new petition using the form provided by the Court. Petitioner must completely fill
out the form and not simply reference other documents. Petitioner is ordered to title this petition

1 “First Amended Petition.” Petitioner’s first amended petition must be filed on or before March 6,
2 2015.

3 The Clerk’s Office is directed to send petition a form for filing a state habeas corpus
4 petition.

5 Dated this 20th day of January, 2015.

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8 J. Richard Creatura
9 United States Magistrate Judge
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